

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ANA LOPEZ DEMETRIO and FRANCISCO  
EUGENIO PAZ, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

SAKUMA BROTHERS FARMS, INC.,

Defendant.

NO. 2:13-cv-01918-MJP

**ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT REGARDING  
CERTIFIED QUESTIONS**

Plaintiffs have applied for an order preliminarily approving the settlement of this action as stated in the Stipulation of Settlement and Release Regarding Certified Question Claims on file with the Court, which, together with the exhibit attached thereto, sets forth the terms and conditions for a proposed settlement of this class action. The Court has read and considered the Stipulation of Settlement, the exhibit attached thereto, and the briefing submitted in support of preliminary approval of the Settlement and is fully advised.

**NOW, THEREFORE, IT IS ORDERED:**

1. Unless otherwise provided, all capitalized terms in this order have the same meaning as set forth in the Stipulation of Settlement filed with this Court on March 20, 2016.
2. For purposes of settlement, the Court certifies this case as class action under Rule 23. The Court certifies the following Settlement Class for all claims:

1 All migrant and seasonal employees of Sakuma who performed  
2 piece-rate fruit harvest work for Sakuma in Washington in 2014  
or 2015.

3 3. The Court appoints Marc C. Cote and Toby J. Marshall of Terrell Marshall Law  
4 Group PLLC and Daniel G. Ford of Columbia Legal Services as Class Counsel.

5 4. The Court preliminarily approves the Stipulation of Settlement and the terms set  
6 forth therein—including the relief afforded the Settlement Class and Class Counsel’s  
7 entitlement to reasonable attorneys’ fees and costs—as being fair, reasonable and adequate.  
8 The Stipulation of Settlement is the result of arm’s-length negotiations between experienced  
9 attorneys who are familiar with class action litigation in general and with the legal and factual  
10 issues of this case in particular.

11 5. For purposes of determining whether the Settlement should be finally approved,  
12 the Court sets a fairness hearing on July 8, 2016, at 2:00 p.m. [which is no earlier than June 27,  
13 2016] in the courtroom of the Honorable Marsha J. Pechman at the U.S. Courthouse, 700  
14 Stewart Street, Seattle, Washington, 98101. The Court will hear arguments concerning whether  
15 the proposed settlement should be granted final approval by the Court as fair, reasonable and  
16 adequate.

17 6. The Court approves, as to form and content, the Class Notice attached to the  
18 Stipulation of Settlement as Exhibit A (“Notice”). In addition, the Court finds that distribution  
19 of the Notice in the manner set forth in Paragraph 7 of this order will meet the requirements of  
20 due process and applicable law, will provide the best notice practicable under the  
21 circumstances, and will constitute due and sufficient notice to all individuals entitled thereto.

22 7. The Court approves Class Counsel’s and Sakuma’s roles in notifying class  
23 members and administering the Settlement, as outlined in Paragraph 20 of the Stipulation of  
24 Settlement. The procedure for distributing the Notice is as follows: Within 31 days of the date  
25 of this Order, Class Counsel will mail a Settlement Notice in Spanish and English (“Notice”) to  
26 each Settlement Class Member’s last known address. All mailings will be by first class mail.

1 Class Counsel will also provide a Notice to any Settlement Class Member who contacts Class  
2 Counsel and requests one.

3 8. Settlement Class Members will not be required to submit a claim form to receive  
4 a Settlement payment. If the Court grants Final Approval, all Settlement Class Members who  
5 performed piece-rate fruit harvest work for Sakuma in 2014 and who are eligible for a payment  
6 will be issued a payment unless they opt out of the Settlement.

7 9. Members of the Settlement Class may opt out of the Class by submitting a  
8 written statement requesting exclusion from the Settlement (“Exclusion Request”) in the  
9 manner provided in Paragraph 20.d of the Stipulation of Settlement no later than 30 days after  
10 the date Notice is initially mailed to Settlement Class Members (“Objection/Exclusion  
11 Deadline Date”).

12 10. Any Settlement Class Member who wishes to object to the Settlement must file  
13 with the Court and serve on counsel for the Parties a written statement objecting to the  
14 Settlement. Such written statement must be filed with the Court and served on counsel for the  
15 Parties no later than the Objection/Exclusion Deadline Date. No Settlement Class Member will  
16 be entitled to be heard at the final Settlement hearing (whether individually or through separate  
17 counsel) or to object to the Settlement, and no written objections or briefs submitted by any  
18 Settlement Class Member will be received or considered by the Court at the final Settlement  
19 hearing, unless copies of any written objections or briefs have been filed with the Court and  
20 served on counsel for the Parties on or before the Objection/Exclusion Deadline Date.  
21 Settlement Class Members who fail to file and timely serve written objections in the manner  
22 specified above will be deemed to have waived any objections, will be foreclosed from making  
23 any objection (whether by appeal or otherwise) to the Settlement, and will be bound by the  
24 terms of the Settlement.

25 11. Plaintiffs’ Motion for an Award of Attorneys’ Fees and Costs must be filed and  
26 served no later than 7 days after Notice is issued to the Settlement Class Members.

1           12. All papers in support of final approval of the Stipulation of Settlement must be  
2 filed and served no later than 14 days after the Objection/Exclusion Deadline Date.

3           13. At the fairness hearing, the Court shall determine whether the proposed  
4 Stipulation of Settlement will be finally approved.

5           14. The Court reserves the right to adjourn the date of the fairness hearing without  
6 further notice to the Settlement Class Members and retains jurisdiction to consider all further  
7 applications arising out of or connected with the proposed Stipulation of Settlement.

8           15. If final approval does not occur, or if the Stipulation of Settlement is terminated  
9 or canceled pursuant to its terms, the Parties will be deemed to have reverted to their respective  
10 status as of the date and time immediately prior to the execution of the Stipulation of  
11 Settlement, and the Stipulation of Settlement will be deemed null and void, will be of no force  
12 or effect whatsoever, and will not be admitted, referred to or utilized by any Party for any  
13 purpose whatsoever.

14           IT IS SO ORDERED this 1st day of April, 2016.

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18           Marsha J. Pechman  
19           United States District Judge

20           Presented by:

21           TERRELL MARSHALL LAW GROUP PLLC

22           By: /s/ Marc C. Cote, WSBA #39824  
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